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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/774,156

02/05/2004

Kiet Lam

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EXAMINER

DANNEMAN, PAUL

ART UNIT

PAPER NUMBER

3627

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/774,156	<b>Applicant(s)</b> LAM ET AL.	
	<b>Examiner</b> PAUL DANNEMAN	<b>Art Unit</b> 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5 February 2004</u> .   | 6) <input type="checkbox"/> Other: _____                          |



## DETAILED ACTION

### Status of Claims

1. This action is in response to the application filed on 5 February 2004.
2. Claims 1-9 have been examined.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. **Claims 1-9** are rejected under 35 U.S.C. 103(a) as being unpatentable over Smirnov, US 7,188,075 B1 in further view of Giovannoli, US 5,842,178.

6. **Examiner's note:** Examiner has pointed out particular references contained in the prior art of record in the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the **entire** reference as potentially teaching all or part of the claimed invention, as well as the content of the passage as taught by the prior art or disclosed by the Examiner.

**Claims 1, 5, 6, 7, 8 and 9:**

With regard to the following limitations:

- ***Data module for receiving RFQ and determining if item is not available.***
- ***Customer verification model (old or new customer) and determining if item is available.***
- ***Customer Account creation.***
- ***RFQ report generator (RFQ numbers and BOMs).***
- ***Customer response module (RFQ reports and Responses).***

Smirnov in at least Fig.2 and Column 5, lines 9-27 discloses a product configuration system comprised of a user interface, a configuration engine, a supplier system (e.g., a ERP/SCP system or other resource planning system), and an inventory library. Smirnov in at least Column 5, lines 39-40 discloses an inventory library updated to reflect all constraints imposed by the product features selected. Smirnov in at least Column 5, lines 56-67 further discloses a customer's selection being provided to the supplier system, which in turn provides the configuration engine with availability information (e.g., an ATP or CTP quote) for that selection. Therefore, it would have been obvious, at the time of the invention, for one of ordinary skill in the art to conclude that Smirnov has a data module for receiving RFQ's and determining if an item is not available.

Smirnov does not specifically disclose a Customer Verification Model per se. However, Smirnov in at least Fig.1 and Column 3, lines 1-13 discloses ***giving users (e.g., customers) access*** to availability and or price information during the process of configuring a multi-feature product.

Giovannoli in at least Fig.7, Fig.8 and Column 4, lines 4-52 discloses a network of members (vendors and customer) who are registered as users for an online quotation system. Therefore, it would have been obvious at the time of the invention to one of ordinary skill to combine the RFQ and BOM features of Smirnov with the network of registered users of Giovannoli to achieve the predictable results that each invention provides.

Smirnov does not specifically disclose **Creating a Customer Account**, however Giovannoli in at least Column 4, lines 53-63 discloses New Vendors and Buyers applying for membership by filling out an application form and when approved receiving password information via email to ensure that applicants have provided correct e-mail addresses. Therefore, it would have been obvious at the time of the invention to one of ordinary skill combine the RFQ and BOM features of Smirnov with the network of registered users of Giovannoli to achieve the predictable results that each invention provides.

Smirnov does not specifically disclose an **RFQ report generator** with RFQ numbers and BOMs per se. However, Smirnov in at least Fig.3b, Fig.4, Fig.5, Column 3, lines 14-25, and Column 4, lines 45-60 discloses generating a BOM with product parameters and features such as availability and price and providing the BOM to the supplier system for quotation. Giovannoli in at least Fig.8 discloses a quotation with a vendor name and number an RFQ date and tracking number with product type and code. Giovannoli in at least Fig.7 and Column 5, lines 36-38 further discloses the RFQ data packet with a buyer's identification, tracking number and a vendor's identification with a quotation number. Therefore, it would have been obvious at the time of the invention to one of ordinary skill combine the RFQ and BOM features of Smirnov with the network of registered users and the RFQ report generator of Giovannoli to achieve the predictable results that each invention provides.

Smirnov in at least Column 4, lines 50-60 and Column 8, lines 46-56 discloses a Supplier System (**Customer Response Module**) which responds to a customer BOM after careful evaluation, with a quotation indicating availability dates, pricing and etc. Therefore, it would be obvious at the time of the invention, to one of ordinary skill in the art to determine that Smirnov's Supplier

System contains a Customer Response Module which is similar and functionally equivalent to applicant's invention.

**Claim 2:**

With regard to the limitation:

- ***An enterprise resource planning (ERP) server for providing BOMs.***

Smirnov in at least Fig.2, Column 4, lines 45-50 and Column 5, lines 9-16 discloses an ERP system or other resource planning system for generating a BOM. Therefore, it would have been obvious at the time of the invention for a person of ordinary skill in the art to conclude that Smirnov provides for an ERP system which is similar in function to applicant's invention.

**Claim 3:**

With regard to the limitation:

- ***RFQ system utilizes a database and database server.***

Smirnov does not specifically disclose a database and database server per se. However, Smirnov in at least Fig.2, Column 4, lines 45-50 and Column 5, lines 9-16 discloses an ERP system or other resource planning system for generating a BOM. Smirnov in at least Column 5, lines 28-37 further discloses a configuration engine couples to an inventory library. Therefore, it would have been obvious at the time of the invention for a person of ordinary skill in the art to conclude that Smirnov provides for an ERP system and an inventory library all of which are without question databases.

**Claim 4:**

With regard to the limitation:

- ***RFQ system has a website accessible to users of customer and supplier systems.***

Smirnov in at least Column 3, lines 14-25 discloses an eCommerce business and further discloses in Column 5, lines 14-16 that each of the components of the Configuration system can

be implemented in hardware, software, firmware or any combination thereof. Smirnov in at least Column 5, lines 23-27 still further discloses the user interface as being a graphical user interface that can be implemented in many ways. Therefore, it would have been obvious at the time of the invention, to one of ordinary skill in the art to conclude that the RFQ system has a website accessible by customers and suppliers.

### **Conclusion**

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:
- Gilliland et al., US 2004/0044591 A1, teaches an electronic procurement system involving electronic requests for quotations.
  - Giovannoli, US 5,758,328, teaches a computerized quotation system.
  - French et al., US 2001/0037281 A1 teaches a request for quotation system for an online auction.
  - Seaman et al., US 7,047,512 B2, teaches a parts requirement planning system.
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL DANNEMAN whose telephone number is (571)270-1863. The examiner can normally be reached on Mon.-Thurs. 6AM-5PM Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Florian Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Paul Danneman/

Examiner, Art Unit 3627

11 March 2008

/F. Ryan Zeender/

Supervisory Patent Examiner, Art Unit 3627